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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,850	07/03/2003	John W. Robinson	BFGRP0313USB	6883
53428	7590	04/21/2006		
DON W. BULSON (GOODRICH) RENNER, OTTO, BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE 19TH FLOOR CLEVELAND, OH 44115			EXAMINER SELLERS, ROBERT E	
			ART UNIT	PAPER NUMBER
			1712	
DATE MAILED: 04/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,850

Applicant(s)

ROBINSON ET AL.

Examiner

Robert Sellers

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-9, 11 and 13-29 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 13-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 9 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claims 13-15 and 17-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Claims 7 and 16 are withdrawn as being directed to non-elected species of reactive liquid polymer b). The elections were made **without** traverse in the reply filed on August 8, 2005.

1. The 35 U.S.C. 112, second paragraph, rejection of claim 12 has been obviated by the cancellation thereof. The limitation of the reactive liquid polymer to comprise a carboxyl-terminated butadiene-acrylonitrile copolymer in the amendment filed April 13, 2006 precludes the liquid polyaminoamide of Japanese Patent No. 3-137179 and Siebert et al. Patent No. 5,280,068, the urethane-modified epoxy resins of Nakata et al. Patent No. 4,804,710 and Japanese Patent No. 4,145185, and the phenolic- or amino-terminated polyurethane prepolymer of Schenkel Patent No. 6,776,869.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 8, 9 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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The rejection is maintained based on the inconsistency of the monoepoxide compounds epichlorhydrin, styrene oxide, vinylcyclohexane oxide and glycidyl methacrylate designated as species of epoxy resin on page 6, line 30 to page 7, line 1. The arguments filed April 13, 2006 have been considered but are unpersuasive.

2. The Hawley's Condensed Chemical Dictionary, Eleventh Edition, 1987 purporting to challenge the definitions of "epoxide" and "epoxy resin" has not been received. The Handbook of Epoxy Resins on pages I-1 and I-2 clearly differentiates between monoepoxide compounds and an epoxy resin defined "as any molecule containing more than one α -epoxy group . . . capable of being converted to a useful thermoset form." The aforementioned types of monoepoxide compounds are incapable by themselves of being converted to a thermoset form in the absence of at least two epoxy groups.

Claims 1-3, 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minamisawa et al. Patent No. 4,500,660 and Japanese Patent No. 64- 01-060679.

The rejection as been converted from a 35 U.S.C. 102(b) with respect to Minamisawa et al. since the exemplified Nipol 1072 nitrile rubber is a solid according to U.S. Publication No. 2004/0214007, page 5, paragraph 71. However, Minamisawa et al. in column 4, lines 43-60 sets forth nitrile rubbers having a Mooney viscosity of between 40 and 110 at 100°C such as a carboxyl-modified nitrile rubber wherein the nitrile rubber includes a copolymer of butadiene and acrylonitrile.


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It would have been obvious to formulate the composition of Minamisawa et al. and Japanese '679 with a carboxyl-modified butadiene-acrylonitrile copolymer having the Mooney viscosity disclosed in Minamisawa et al., thereby indicating a liquid state, in order to facilitate the processability.

The amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sellers whose telephone number is (571) 272-1093. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Robert Sellers
Primary Examiner
Art Unit 1712

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4/19/2006